

House Amendment 1256

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1 1 Amend Senate File 151, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking line 2 and inserting the
1 4 following: <EMINENT DOMAIN AUTHORITY AND CONDEMNATION
1 5 PROCEDURES>.
1 6 #2. Page 2, by inserting after line 4 the
1 7 following:
1 8 <Sec. _____. NEW SECTION. 6A.15 PROPERTY ON STATE
1 9 HISTORIC REGISTRY.
1 10 Property listed on the state register of historic
1 11 places maintained by the historical division of the
1 12 department of cultural affairs shall not be removed
1 13 from the register solely for the purpose of allowing
1 14 acquisition of the property by condemnation.>
1 15 #3. Page 2, by inserting after line 13 the
1 16 following:
1 17 <Sec. _____. Section 6A.24, subsection 3, Code 2009,
1 18 is amended to read as follows:
1 19 3. For any action brought under this section, the
1 20 burden of proof shall be on the acquiring agency to
1 21 prove by ~~a preponderance of the clear and convincing~~
1 22 evidence that the finding of public use, public
1 23 purpose, or public improvement meets the definition of
1 24 those terms. If a property owner or a contract
1 25 purchaser of record or a tenant occupying the property
1 26 under a recorded lease prevails in an action brought
1 27 under this section, the acquiring agency shall be
1 28 required to pay the costs, including reasonable
1 29 attorney fees, of the adverse party.
1 30 Sec. _____. Section 6B.2C, Code 2009, is amended to
1 31 read as follows:
1 32 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.
1 33 The authority to condemn is not conferred, and the
1 34 condemnation proceedings shall not commence, unless
1 35 the governing body for the acquiring agency ~~approves,~~
1 36 ~~by resolution, declares that adequate funding for the~~
1 37 ~~public improvement has been secured, that the use of~~
1 38 ~~condemnation for the public improvement is approved,~~
1 39 ~~and that there is a reasonable expectation the~~
1 40 applicant will be able to achieve its public purpose,
1 41 comply with all applicable standards, and obtain the
1 42 necessary permits.
1 43 Sec. _____. NEW SECTION. 68B.9 BAN ON CERTAIN
1 44 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL
1 45 SUBDIVISIONS.
1 46 A political subdivision that collects and expends
1 47 property taxes shall not use public funds of any kind
1 48 to pay a person, organization, or other entity to act
1 49 as a lobbyist in relation to any legislation relating
1 50 specifically to eminent domain authority or
2 1 condemnations.
2 2 Sec. _____. Section 316.4, subsection 1, Code 2009,
2 3 is amended to read as follows:
2 4 1. If a program or project undertaken by a
2 5 displacing agency will result in the displacement of a
2 6 person, the displacing agency shall make a payment to
2 7 the displaced person, upon proper application as
2 8 approved by the displacing agency, for actual
2 9 reasonable and necessary expenses incurred in moving
2 10 the person, the person's family, business, farm
2 11 operation, or other personal property subject to rules
2 12 and limits established by the department. The payment
2 13 may also provide for actual direct losses of tangible
2 14 personal property, purchase of substitute personal
2 15 property, business reestablishment expenses, storage
2 16 expenses, and expenses incurred in searching for a
2 17 replacement business or farm. If relocation of a
2 18 business or farm operation is not economically
2 19 feasible, the displaced person may also apply for
2 20 payment of the loss of existing business relationships
2 21 because of the inability to relocate the business or
2 22 farm operation to a location similar in economic
2 23 advantage to the location from which the business or
2 24 farm operation was displaced.

2 25 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. The
2 26 sections of this division of this Act enacting
2 27 sections 6A.15 and 68B.9, and amending sections 6A.24,
2 28 6B.2C, and 316.4, being deemed of immediate
2 29 importance, take effect upon enactment and apply to
2 30 projects or condemnation proceedings pending or
2 31 commenced on or after that date.

2 32 DIVISION _____
2 33 RAILWAY ASSISTANCE>.

2 34 #4. Title page, line 1, by inserting after the
2 35 word <relating> the following: <to eminent domain
2 36 authority and condemnation procedures and>.

2 37 #5. Title page, line 5, by inserting after the
2 38 word <fund> the following: <, and providing effective
2 39 and applicability dates>.

2 40 #6. By renumbering as necessary.

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